EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

DECISION

Application no. 37276/05
Vakhtang GABUNIA and others
against Georgia

The European Court of Human Rights (Fifth Section), sitting on 19 September 2017 as a Committee composed of:

Síofra O'Leary, *President,*
Nona Tsotsoria,
Lətif Hüseynov, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 11 September 2005,

Having regard to the declaration submitted by the Government on 2 June 2017 requesting the Court to strike the application out of the list of cases and the applicants' reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. A list of the applicants is set out in the appendix. They were represented before the Court by Ms Inga Geliashvili and Mr A. Carbonneau, lawyers practicing in Tbilisi.

2. The Georgian Government ("the Government") were represented by their Agent, Mr Beka Dzamashvili, of the Ministry of Justice.

3. The applicants complained, in particular, under Article 9 of the Convention taken separately and in conjunction with Article 14 of a breach of their right to freely practise their religion.

4. On 14 March 2017 the Court decided to give notice to the Government of the applicants' complaints detailed above.

5. After unsuccessful friendly-settlement negotiations, by a letter dated 2 June 2017 the Government made a unilateral declaration in the following terms:

> "In the particular circumstances of the present case, the Government of Georgia regretfully acknowledges a violation of Mr Vakhtang Gabuania's, Mr Tamaz Khutsishvili's, Mr Vakhtang Papiashvili's, Mr David Chkhikvadze's, Mr John Shalamberidze's, Mr Valeri Marikyan's, Mr Alexi Ichkitidze's, Mr Roman Mumladze's, Mr Zviad Dzadzamia's, and Mr Aleksandre Barnabishvili's freedom of religion contrary to Article 9 in conjunction with Article 14 of the Convention due to the incidents taken place in 2001.
>
> That being so, the Government undertake to pay:
>
> - EUR 800 (eight hundred) each to cover any pecuniary and non-pecuniary damage, plus any tax that might be chargeable; and
>
> - EUR 2,000 (two thousand) jointly to cover any and all costs and expenses, plus any tax that may be chargeable to the applicants.
>
> This sum will be converted into Georgian national currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
>
> The Government therefore invite the Court to strike the present case out of the list of cases ..."

6. By a letter of 12 July 2017 the applicants accepted the terms of the Government's declaration.

THE LAW

7. The Court considers that the applicants' express agreement to the terms of the declaration made by the Government can be considered as an implied friendly settlement between the parties.

8. It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of the list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 12 October 2017.

Anne-Marie Dougin
Acting Deputy Registrar

Síofra O'Leary
President

APPENDIX

Nº.	**First name LAST NAME**	**Place of residence**
1.	Vakhtang GABUNIA	Bolnisi
2.	Tamaz KHUTSISHVILI	Tbilisi
3.	Vakhtang PAPIASHVILI	Tbilisi
4.	David CHKHIKVADZE	Tbilisi
5.	John SHALAMBERIDZE	Tbilisi
6.	Valeri MARIKYAN	Tbilisi
7.	Alexi ICHKITIDZE	Sachkhere
8.	Roman MUMLADZE	Sachkhere
9.	Zviad DZADZAMIA	Tbilisi
10.	Aleksandre BARNABISHVILI	Tbilisi